

WAIVER OF SERVICE OF SUMMONS

TO: John J. Phelan, III, P.C. 1285 Avenue of Americas, #3500, New York, NY 10019
 (NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Jozef Anavian, acknowledge receipt of your request
 (DEFENDANT NAME)

that I waive service of summons in the action of Procapui-Produteres, etc. v. Layani, et al; Higgins v. Anavian,
 (CAPTION OF ACTION)
 which is case number 07Civ6627(BSJ) in the United States District Court
 (DOCKET NUMBER)

for the Southern District of New York.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. *AND THE THIRD PARTY COMPLAINT*

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 11/16/2007,
 (DATE REQUEST WAS SENT)
 or within 90 days after that date if the request was sent outside the United States.

11/20/07
 (DATE)

[Signature]
 (SIGNATURE)

Printed/Typed Name: Luigi P. DeMaio, Esq., Attorney for Jozef Anavian

As Attorney of Jozef Anavian
 (TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

PLAINTIFF

PROCAPUI-Produteres de Camaroes de Icapui
Ltda.

**THIRD PARTY SUMMONS IN A
CIVIL ACTION**

V. DEFENDANT AND THIRD PARTY PLAINTIFF

G.F. HIGGINS, INC., THERESA HIGGINS as E'trix
Est. of GERALD FRANCIS HIGGINS, THOMAS
HIGGINS and ROBERT HIGGINS

Case Number: 07 Civ 6627-BSJ

V. THIRD PARTY DEFENDANT

JOZEF ANAVIAN

To: Name and address of Third Party Defendant

JOZEF ANAVIAN
c/o Luigi DeMaio, Esq.
330 East 30th Street
New York, NY 10016

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Luigi P. DeMaio, Esq.
De Maio & Hughes, LLC
330 East 30th Street
New York, NY 10016
(212) 888-8300

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

John J. Phelan, III, Esq.
John J. Phelan, III, P.C.
1285 Avenue of the Americas, Suite 3500
New York, NY 10019
(212) 315-3082

an answer to the third-party complaint which is served on you with this summons, within -20- days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

NOV 13 2007

11/15/2007

DATE

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾		DATE
NAME OF SERVER		TITLE
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the third-party defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.